

## COMMENTS TO FCC PROPOSED RULEMAKING

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First of all, the FCC must consider the economic ramifications of any and all changes in rules before proceeding blindly ahead. This agency has a poor record of doing so. The reason that American broadcasting is the standard of excellence for the world is because the economic model of private stewardship has proven to deliver truly what the audience desires. Why? Because the incentive is there for broadcasters to craft the content to the audience target. Government-sponsored or dictated standards are an abomination of the free market democratic process whereby the *public* makes known its preferences in their choice of content to hear or view. No government agency has that objectivity or diverse variation of taste.

That said, to impose standards that are an economic burden to broadcasters, ones that put them (as a class) in a detrimental competitive situation—will eventually have the exact opposite effect than their intended purpose. One needs to look no further than the ill-fated Docket 80-90 of the 1980's to see that the FCC's intentions often cause actions that manifest the exact opposite result. Docket 80-90 was intended to *increase minority/women ownership and increase the "number of voices"* in the marketplace by dropping hundreds of FM signals across the country. However, these actions were undertaken without the slightest regard to the *economic* issues that all broadcaster face. Namely, this is a tough business—and minority status counts for little when you can't pay the phone bill or the rent. So what happened? Many of the new stations became economically distressed—and the FCC (in order to keep them from going dark)—allowed the idea of LMA's-Limited Marketing Agreements, so that professional broadcasters could swoop in and broker time in order to keep them solvent. Over time, these new broadcasters took their medicine and exited the business. As this occurred, "duopoly" became the norm—and then full-fledged deregulation of ownership. So, it could be argued that the concentration of radio ownership in the large companies of today was a **DIRECT RESULT** of the FCC's desire to do just the opposite.

Has the FCC learned their lesson? No. LPFM is the latest bad idea to proliferate, only this time, the FCC is actually sanctioning *technical* interference with existing stations.

So, for the proposals out there now?

Let's address a few:

- 1) Curtailing unattended operation. This is an economic dagger in the hearts of many broadcasters. Net effect will be to cause layoffs to pay for a minimum wage "operator" to babysit stations. Many stations will opt to cease overnight programming and sign off due to inability to pay an operator. Is signing off service in the public interest?
- 2) City of license requirements. Forcing stations that co-locate their facilities to set up separate offices and studios for each city of license would be prohibitively expensive. Again, layoffs—and eventually stations going dark because they are not economically viable to exist as standalones. WHOM-FM, for instance, is licensed to Mt. Washington, NH. The population is usually about 4 people, none of them a resident. Where the studios are located is irrelevant. The internet makes procurement of documents or public files a matter that neutralizes geography.
- 3) Programming requirements-----excessive paperwork and compliance costs with little if any benefit to the audience. The audience of music stations use these stations for entertainment. This is why they listen. News stations have a different mission. It would be a better idea to open a frequency in each community (or better yet, use the Public radio frequencies) to host only Public Affairs programming. Specialization of format content is what the marketplace has demanded via their choice of usage. The fact that there is *very* little demand for public affairs content may anger the FCC, but the fact remains that the public at large (who we are serving, no?) have no desire to spend their media time consuming public affairs content. City council and school board meetings are available on the Public Access channel. Public Radio is an avenue. Why do commercial broadcasters need to provide content which only the FCC deems important? It appears that music formats and other purely entertainment programs are not seen as providing a "public service". However, if the PUBLIC chooses them (check the comparative ratings for your local school board meeting on TV versus, say, "American Idol" on Fox) who is the FCC to say that is not "public service"—as *decided* by the public?

The FCC needs to get out of the business of dictating content or morality. The government essentially abdicated its responsibility to operating broadcast stations in the 1920's-as American industry-when companies like General Electric, RCA and Westinghouse invested millions during the Depression (when the U.S. Government gladly allowed them to foot the bill) to create the greatest broadcasting industry on the planet. There is a reason-a good one—that our system is not the BBC model. With over 10,000 radio stations in the

U.S., we have extremely diverse programming content and variations that could only exist in a free market system.

Deregulation was a step in the right direction. Market forces right now are shaping the landscape for radio and TV alike in the coming age with the Web and satellite and all other forms of media. To undo what was a positive step with excessive regulation and subjective “requirements” will take our service to the public *backward*—and will become an economic burden that many small broadcasters will simply not be able to survive. Broadcasters are the first to address every crisis—as Katrina’s aftermath illustrated. Our collective service to our communities is without peer. However, in the eyes of the FCC, we seem to be treated as the bastard stepchild---for no reason that is apparent.

The FCC simply cannot continue to repeat their major recurring mistake over the years—to IGNORE the adverse economic impact of their regulations on broadcasters when proposing changes in the rules we are governed by.